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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,947	02/15/2002	Dennis C. Price	125697-1001	341
7590	10/10/2003		EXAMINER	
Kenneth T. Emanuelson Gardere Wynne Sewell LLP 3000 Thanksgiving Tower 1601 Elm Street, Suite 3000 Dallas, TX 75201-4767			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 10/10/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,947	PRICE, DENNIS C.	
	Examiner Lloyd A. Gall	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 February 2002 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claims 3, 7, 12 and 16 are objected to because of the following informalities: In claim 3, it is not clear in which direction "collinear" is referring to, axially along the lock cylinder, or radially. In claim 7, line 4 and claim 12, line 4, "between" is not clear, since as seen in fig. 4, the second pin 176 or 180 is not directly between the pins 178 and 174. In claim 16, line 10, it is not clear what is meant by "and the first set of driver pin bores" (the pin 178 is not between the pins 174, 172, 170). Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the UK reference (652).

The UK reference (652) teaches a mogul cylinder assembly 12 including a cylinder bore with a cylinder blank 22 having an axis offset from the principal axis of the mogul 12, a first driver pin bore 30", a second driver pin bore 30', and a third driver pin bore at location 36, the cylinder blank 22 including first, second and third pass key pins 33 located in first, second and third pass key pin bores, wherein the pass key pins 33 including a conical shaped end.

Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung (997).

Chung teaches a “generally” cylindrical (see the front face 311) mogul, a cylinder bore 313 offset from the principal axis of the mogul, a cylinder blank 321, 322 in the cylinder bore, first 351 and second 361 driver pin bores to receive driver pins, first 353 and second 363 pass key pins received in pass key pin bores, wherein the pins 353, 363 include conical shaped ends.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Field et al (404).

Field teaches internally threaded bores to receive a socket screw 39. It would have been obvious to one of ordinary skill in the art to modify the bores 351, 361 of Chung such that they are closed by a threaded screw and socket, in view of the teaching of Field et al, the motivation being to simplify assembly/disassembly of the mogul and cylinder blank components.

Claims 3-6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of the French reference (781).

The French reference teaches a solid mogul (1) including a third set of driver and pass key pins 4 received in corresponding bores. It would have been obvious to one of

Art Unit: 3676

ordinary skill in the art at the time the invention was made to modify the mogul of Chung to include a solid structure including a third set of driver and pass key pins, in view of the teaching of the French reference (781), the motivation being to optimize the strength of the mogul and its security against picking attempts.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference (781) and Shvarts (968).

The French reference has been discussed above. Shvarts teaches locating hardened dowel pins 102, 104, 106 in front of driver pins/bores and the front surface of the mogul 38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mogul of Chung to include a solid, uniform structure, in view of the teaching of the French reference (781), the motivation being to optimize its strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide hardened dowel pins in front of the driver pins/bores of the modified Chung reference, in view of the teaching of Shvarts, the motivation being to protect the driver pins from cutting/tampering attempts.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of the French reference (966).

The French reference teaches a hardened shielding device 15 with a rectangular cutout located in front of pass keys pins 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a shielding device in front of the pass key pins of Chung, in view of the teaching of the French reference (966), the motivation being to protect the pass key pins from cutting/tampering attempts.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Taylor (209), Eras and the French reference (966).

Taylor teaches protecting the driver pins with a hardened pin 5, as well as protecting the pass key pins with a shield 4. Eras teaches protecting each set of driver pins with at least one hardened pin 6. The French reference (966) teaches a shield disk 15 with a rectangular cutout. To protect the driver and pass key pins of the Chung reference would have been obvious in view of the teaching of Taylor, to enhance the security of the lock. To utilize a hardened pin with each set of driver pins of Chung, would have been obvious in view of the teaching of Eras, to protect all driver pins. To provide a shield with a rectangular cutout with the pass key pins of Chung, would have been obvious in view of the teaching of the French reference (966), to protect all pass key pins.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of the French reference (781) and Field et al (404).

All of the references have been discussed above. To modify the mogul of Chung to include a solid structure, including a third set of driver pins and pass key pins, would have been obvious in view of the teaching of the French reference (781), the motivation being to optimize the strength of the mogul and its security against picking attempts. It would have been obvious to include a threaded socket and screw with the driver pin bores of Chung, in view of the teaching of Field et al, the motivation being to simplify assembly/disassembly of the mogul components, when desired.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of Shvarts (968).

Shvarts teaches three dowel pins 102, 104, 106, with pins 102, 104 on opposed sides of the plane of the driver pins 32a-32g. It would have been obvious to one of ordinary skill in the art to utilize three dowel pins with the driver pins 354 of the modified Chung reference, in view of the teaching of Shvarts, to protect the pins against tampering attempts.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of the French reference (966).

The French reference (966) has been discussed above. To utilize a disk with a rectangular cutout with the pass key pins of Chung, would have been obvious in view of the teaching of the French reference (966), the motivation being to protect the pass key pins from tampering attempts.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of Taylor (209), Eras and the French reference (966).

All of the references have been discussed above. To protect both the driver and pass key pins of Chung, would have been obvious in view of the teaching of Taylor, to optimize the security of the lock. To utilize a hardened pin with each driver pin set of Chung, would have been obvious in view of the teaching of Eras, the motivation being

Art Unit: 3676

to protect all driver pins. To utilize a disk with a rectangular cutout with the shield pins of Chung, would have been obvious in view of the teaching of the French reference (966), the motivation being to protect all pass key pins.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of the French reference (966).

To utilize a disk with a rectangular cutout with the pass key pins of Chung, would have been obvious in view of the teaching of the French reference (966), the motivation being to protect all pass key pins.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Chung reference as applied to claim 15 above, and further in view of Eras. Eras has been discussed above. To protect all sets of driver pins of Chung with at least one hardened dowel pin, would have been obvious in view of the teaching of Eras, the motivation being to protect all driver pins from tampering attempts.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3676

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

LG LG
October 6, 2003


Lloyd A. Gall
Primary Examiner